

REMARKS/ARGUMENTS

Claims 1-25 are pending in this application. By this Amendment, claims 1-4, 14, 15 and 19 are amended, and claims 21-25 are added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-20 under 35 U.S.C. §102(b) over U.S. Patent No. 3,180,348 to Clearman. The rejection is respectfully traversed.

Independent claim 1 is directed to a nozzle assembly for a dishwasher having first and second racks. The nozzle assembly includes a fixed central piece, and a first nozzle rotatably provided proximate to the first rack and rotatably coupled to the fixed central piece, wherein the first nozzle is rotatable about a horizontal axis thereof so as to selectively spray washing fluid in a first rack direction in a first mode, and in a second rack direction in a second mode.

Independent claim 19 is directed to a nozzle assembly for a home appliance, including a nozzle that selectively sprays washing fluid in first and second directions. Independent claim 19 recites that the nozzle includes a fixed central piece with one end in fluid communication with a fluid circulating device, and another end having first and second openings. Independent claim 19 also recites that each of the first and second nozzles includes a closed end and an open end, wherein the open end of the first and second nozzles is rotatably coupled to the first and second openings of the fixed central piece, first and second surfaces extending between the open and

closed ends of each of the first and second nozzles, and a plurality of holes formed along the first surfaces of the first and second nozzles, wherein the plurality of holes are in fluid communication with the fixed central piece through the respective open ends so as to allow washing fluid to be sprayed therethrough. Independent claim 19 then recites that the first and second nozzles are rotatable about a horizontal axis thereof while the fixed central piece remains stationary so as to adjust a position of the first surfaces of the first and second nozzles and the plurality of holes therein.

Clearman neither discloses nor suggests the features recited in independent claims 1 and 19, or the respective claimed combinations of features. More specifically, Clearman discloses a dishwasher including first and second article holders, or racks, 20 and 21, and a pump 12 that pumps water from a sump 11 up into a nozzle structure 28. Some of this water is directed onto the lower rack 22 through slots 64 in an upper surface of a lower spray arm 36, and the rest of the water flows up through a tubular receiving means 38 and into an upper spray arm 52. Some of this water is directed onto the upper rack 21 through slots 63 formed in an upper surface of the upper spray arm 52, and the rest of this water is directed downward through slots 65 formed in a lower portion of the upper spray arm 52.

The upper spray arm 52 rotates about a vertical axis any time the pump is "ON" and water is flowing through the spray arm 52. Therefore, the upper spray arm 52 always directs water both upward through the slots 63 and downward through the slots 64. Thus, Clearman neither discloses nor suggests any discrimination or selection between these two directions, and

water is always flowing in both directions when the pump 12 is pumping. Clearman neither discloses nor suggests that the upper spray arm 52 selectively sprays water in a first direction in a first mode, and in a second direction in a second mode, as do the nozzles recited in independent claims 1 and 19.

Additionally, Clearman clearly discloses that the upper spray arm 52 is fixed to the tubular receiving means 38, and that the entire receiving means 38 may be repositioned for alignment. However, the spray arm 52 remains fixed relative to the receiving member 38, and thus is not rotatably coupled to the receiving member 38, as is the nozzle recited in independent claims 1 and 19.

Still further, the receiving member 38 and entire spray arm 52 fixed thereto rotate only about a vertical axis. Clearman neither discloses nor suggests that any element of the spray arm 52, let alone the ends of the spray arm 52 on opposite sides of the receiving member 38, rotate about a horizontal axis while the receiving member 38 remains stationary. Rather, because Clearman's spray arm 52 already sprays water in both directions, the capability to rotate the opposite portions of the spray arm 52 about a horizontal axis thereof would be unnecessary, and would add undue complexity and cost to Clearman's design.

For all of the above reasons, it is respectfully submitted that independent claims 1 and 19 are not anticipated by Clearman, and thus the rejection of independent claims 1 and 19 under 35 U.S.C. §102(b) over Clearman should be withdrawn. Dependent claims 2-18 and 20 are

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allowable at least for the reasons set forth above with respect to independent claims 1 and 19, from which they respectively depend, as well as for their added features.

II. New Claims 21-25

New claims 21-25 are added to the application. It is respectfully submitted that new claims 21-25 meet the requirements of 35 U.S.C. §112, and are allowable at least for the reasons set forth above with respect to independent claims 1 and 19, from which they respectively depend, as well as for their added features.

III. Conclusion

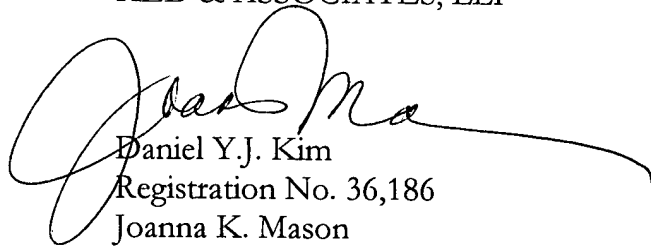
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned **Joanna K. Mason**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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